

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Serial No. 09/870,624  
Confirmation No. 1775

I hereby certify that this correspondence is being transmitted to the United States Patent & Trademark Office via electronic submission or facsimile on the date indicated below:

<u>11/22/2006</u>	<u>/Pamela Gerik/</u>
Date	Pamela Gerik

**RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF**  
**MAILED NOVEMBER 9, 2006**

Dear Sir/Madam:

This paper is submitted in response to the Notice of Non-Compliant Appeal Brief Mailed November 9, 2006. The brief was cited as non-compliant for failing to contain the proper explanation of the subject matter as defined in each of the independent claims involved in the appeal. In accordance with MPEP 1205.03, included herewith (beginning on page 2 of this paper) is a corrected summary of the claimed subject matter as required by 37 CFR 41.37(c)(1)(v).

## **V. SUMMARY OF CLAIMED SUBJECT MATTER**

As recited in claim 1, Appellant's claimed subject matter includes a display system (reference number 10) having a display (reference number 16), a graphical user interface (GUI), and a processor (reference number 12). (Specification – page 11, lines 28-30; FIG. 1). The processor is coupled between the display and the graphical user interface and is adapted to operate from a windows-based operating system (OS) for executing a software component (API) during runtime of an application program (APP). (Specification – page 12, lines 1-3; FIGS. 1 and 2). The executed software component (reference numerals 72 and 74) generates a first image upon the display independent of code within the operating system during a first time and, during a second time, emulates code that, when executed by the processor, generates a second image upon the display dependent on code within the operating system. (Specification – page 12, lines 6-10; page 27, line 16 to page 28, line 16; FIG. 9). The generated first and second images are substantially identical. (Specification – page 13, lines 7-8).

As recited in claim 10, Appellant's claimed subject matter also includes a method for displaying an image. (Specification – page 13, lines 1-2; pages 27 and 28, lines 16-28 and 1-8, respectively, in reference to FIG. 9). The method includes running an application program (APP) upon a computer (reference number 10) and under an operating system (OS), wherein the application program includes a first interface (reference number 72) dependent on the operating system. (Specification – page 13, lines 2-4; FIGS. 1 and 9). The method further includes displaying a first image (reference number 26) upon a display (reference number 16) of the computer using the first interface and replacing the interface with a second interface (reference number 74) that is substantially independent of the operating system yet emulates the behavior of at least a part of the first interface. (Specification – page 13, lines 2-6; FIGS. 1 and 9). Moreover, the method includes re-running the application program and re-displaying a second image (reference number 26) upon the display of the computer using the second interface, wherein the second image has substantially the same look and feel as the first image. (Specification – page 13, lines 7-8).

As recited in claim 18, other subject matter claimed by the Appellant includes a computer-readable storage device (reference number 18) having an operating system (OS) and an application program (APP). (Specification – page 13, lines 10-12; FIG. 1). The application program is adapted for executing code of a software component (reference number 72) which, during a first time, generates a first image (reference number 26) dependent of code executing within the operating system. (Specification – page 13, lines 13-15; FIG. 9). In addition, the application program is adapted for executing code of a software component (reference number 74) which, during a second time, generates a second image (reference number 26) independent on code executing within the operating system. (Specification – page 13, lines 15-16; FIG. 9). The second image is adapted to overwrite the first image upon a display screen (reference number 16) during the second time (Specification – page 13, lines 2-6). In addition, the first and second images are substantially identical. (Specification – page 13, lines 7-8).

### **CONCLUSION**

The present response is believed to be a complete response to the issues raised in the Notice of Non-Compliant Appeal Brief Mailed November 9, 2006. If the Examiner has any questions, comments or suggestions, the undersigned earnestly requests a telephone conference.

Commissioner is authorized to charge any fees which may be required or credit any overpayment to deposit account number 09-0447.

Respectfully submitted,  
/Mollie E. Lettang/  
Mollie E. Lettang  
Reg. No. 48,405  
Agent for Applicant(s)

Customer No. 35617  
Date: November 22, 2006